GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services –Water Resources Department-ACB Cases-Allegations of corruption and certain irregularities in execution of works in Palakonda sub division of Srikakulam District against Sri P. Surya Rao, the then Assistant Engineer, Section No.2 Palakonda Sub Division, Srilkakulam District and now Retd- Treat the period of Suspension from 29 05 1995 to 29 07 2000 as on duty –Orders -Issued

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WATER RESOURCES (VIG.I) DEPARTMENT

G.O.Rt.No.203 Dt.23.04.2024

Read the following:

1. G.o.Rt.No.157, 1&CAD (Ser.VI) Department, dt. 16.02.1992.
2. G.O.Ms.No.333, 1&CAD (Ser.VI) Department, dt. 07.10.1994.
3. G.O. Rt.No.32:3, 1&CAD (Ser.VI) Department, dt. 01.05.1995.
4. From the CTS Lr.No.376/CiE/ATE.2/92-78, dt.06.09.1995
5. Govt. Memo No. 50365/Ser.VI.2/9/66, dt. 05/10.01.1996.
6. From Sri P. Surya Rao, the then A.E., Repn., dt. 20.04.1996.
7. G.O. Rt. No. 1067, 1&CAD (Ser.VI.2) Department, dt. 15.11.1996.
8. G.O. Rt. No. 552, 1&CAD (Ser.VI.2) Department, dt. 05.07.2000.
9. Representation of Sri P. Surya Rao, the then A.E., dt. 20.05.2001 &19.06.2002.
10. G.O. Rt. No.1320, I&CAD (Ser.VI.2) Department, dt. 03.09.2005.
11. From the ENC (AW), WRD, Hyderabad, Memo No RC/ENC/S1(1)/21577/92, dt. 25.05.2006.
12. From the ENC (AW), WRD, Hyderabad Proceedings No RC/ENC/S1 (1)/ 21577/1992, dt. 29.06.2007.
13. O. A. No.4066/2006 filed before Andhra Pradesh Administrative Tribunal (APAT),filed by Sri P. Surya Rao, the then A.E.
14. The orders of the APAT in O.A. No.4066/2006 dt. 09.12.2009, filed by Sri P. Surya Rao, the then A.E.
15. W.P.No.6249/2010 filed by Sri P. Surya Rao, the then A.E and now Retd., Before the Hon'ble High Court of Andhra Pradesh.
16. From the Engineer-in-Chief(Admn.) (FAC), Water Resources Department, Vijayawada, Lr. No, ECAD-22023/1/2023-EE-ENCADMIN Dt:08/11/2023 along with a copy of Judgement orders of the Hon’ble High Court of Andhra Pradesh, Amaravathi W.P. No. 6249 of 2010, dt.23.08.2022.

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ORDER:

In the G .O. 1st read above, the Chief Technical Examiner was appointed as Enquiry Officer to conduct departmental enquiry against Sri P. Surya Rao, the then Assistant Engineer and others in respect of the irregularities alleged to have been committed in execution of works in palakonda Sub-Division of Srikakulam District during 1991.

2. In the G.O. 2"d read above, sanction was accorded to prosecute to Sri P. Surya Rao, the then Assistant Engineer on the allegation of corruption in the said works.

3. In the G.O. 3rd read above, Sri P. Surya Rao, the then Assistant Engineer was placed under suspension.

4 . In the letter 4th read above, the Enquiry Officer furnished his Inquiry report stating that out of (6) charges, one charge has been established against the individual.

5. In the memo 5th read above, a Show Cause notice was issued to the charged officer Sri P. Surya Rao, the then Assistant Engineer and now Retd., to submit his explanation if any. In the letter 6th read above, Sri P. Surya Rao, the then Assistant Engineer and now Retd., has submitted his explanation.

6. Govt., after examination of the matter have imposed punishment of stoppage of One Annual grade increment with cumulative effect against Sri P. Surya Rao, the then Assistant Engineer and now Retd., vide G.O.7th read above.

7. In the G.O. 8th read above, Sri P. Surya Rao, the then Assistant Engineer was reinstated into services without prejudice to the criminal case pending in the court. of SPE &ACB cases, Visakhapatnam.

8. In the representation 9th read above, Sri P. Surya Rao, the then Assistant Engineer and now Retd., by enclosing the orders Special Judge for SPE & ACB cases Visakapatnam in CC No. 35/95 dt. 31.03.2001 has requested the Government to regularize his suspension period from 29.05.1995 to 26.02.2001 as on duty as he was acquitted by the Special Judge for SPE & ACB cases Visakhapatnam in CC No. 35/95

9. In the G.O. 10th read above, Government have issued orders directing the Engineer-in-Chief(AW) to treat the suspension period of Sri P. Surya Rao, the then Assistant Engineer from 29.05.1995 to 29.07.2000 as 'not on duty" under FR 54-(B) and the remaining period from 30.07.2000 to 25.02.2001 be treated as on "Dies–non" as he was wilfully evaded to join duty without any kind of proper leave disobeying the proceedings of ENC No. Rc/ENC/52/21577/92, dt. 29.07.2000. The ENC (AW) was also requested to initiate disciplinary action against the individual as per the circular Memo No. C-1901-4/8/FR.1/91 Finance & Planning (Fin. Wing.FR. 1) Department dt. 25.12.1991 duly following the CCA Rules as he wilfully evaded to join duty

10. In the memo 11th read above, the ENC has initiated disciplinary action against Sri P. Surya Rao, the then Assistant Engineer and now Retd., for wilfully avoided to join duty. In the Proceedings 12th read above, the ENC (AW) has imposed the punishment of stoppage of one Annual Grade increment without cumulative effect, against the individual as he wilfully evaded to join duty in G.N.S.S. Division, Nadyal and for his unauthorized absence from 30.07.2000 to 25.02.2001.

11. In the reference 13th read above, Sri P. Surya Rao the then A.E. filed O.A.No.4066/2006 before the Hon'ble A.P. Administrative Tribunal with a prayer to quash the orders issued in G.O. Rt. No. 1320, dt. 03.09.2005 in treating his suspension period from 29.05.1995 to 29.07.2000 as 'not on duty" as he was acquitted by Special Judge for SPE & ACB cases Visakhapatnarn in CC No. 35/95.

12. In the orders 14th read above, the Hon’ble A.P.A.T. Hyderabad has delivered the judgement as follows:

"Thus, I do not see any reason to interfere with the impugned orders and therefore, this O.A. is devoid of merit and it is dismissed accordingly. No orders as to costs."

13. In the reference 15th read above, Sri P. Surya Rao the then A.E and now Retd., have filed the W.P.No.6249/2010 before the Hon'ble High Court challenging the above orders of Hon'ble A.P. Administrative Tribunal.

14. In the letter 16th read above, the Engineer-in–Chef (AW), Vijayawada has forwarded a copy of Judgement orders of the Hon’ble High Court of Andhra Pradesh, Amaravathi dt.23.08.2022 in W.P.No.6249/2010 wherein the Hon’ble High court of A.P. has ordered the following:

"the writ petition is allowed setting aside the order dated 09.12.2009 passed by the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.4066 of 2006 dated 09.12.2009, so also orders of the State Government vide G.O.Rt.No. 1320, Irrigation and Command Area Development(SER.VI.2) Department dated 03.09.2005 and consequently, the respondents are directed to treat the period of suspension of the petitioner i.e., from 29.05.1995 to 29.07.2000 as on duty and fix the pay with all consequential benefits and the said exercise shall be completed within a period of

three (3) months from the date of receipt of copy of the orders. There shall be no order as to costs".

15. Govt., after careful examination of the matter and keeping in view the orders of the Hon'ble High Court in W.P.No.6249/2010 have decided and hereby treat the suspension period of Sri P. Surya Rao, the then A.E(Now Rtd.), from 29.05.1995 to 29.07.2000 as on duty.

16. The Engineer-in-Chief (AW), Water Resources Department, Vijayawada shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Surya Rao, the then Assistant Engineer (Now Retired), Section No.2, Palakonda Sub Division, Srikakulam District (through the Engineer-in-Chief (AW), WRD, Vijayawada)
The Engineer-in-Chief (AW), Water Resources Department, Vijayawada.
SF/ SC

//FORWARDED : : BY ORDER//

SECTION OFFICER